

ADM File No. 2010-13

September 21, 2011

To whom it may concern,

I oppose the rule change to MCR 6.001.

As a criminal Defense attorney this will impact many cases, it is hard enough to get the discovery prior to the first court date and then adjournments are always needed. We need the government's version of events from the government asap, because we as attorneys and the clients need to evaluate what to expect from the witnesses, officers, and without this how will we be able to cross-examine the witness properly. To learn of the discrepancies between different witnesses, and not be allowed to be fully informed will impact a cross-examination of the witness, and then the witness may not show up to trial, we waived any Crawford issues at the preliminary exam.

A criminal defendant and his attorney will need to know what the charges are and what evidence the government has in their possession, to determine what if any investigation will need to be conducted or investigated prior to any plea negotiations. The government may not have a strong case and this will allow over zealous prosecutors to over charge prior to any meaningful discussions with Defense counsel.

How will this impact plea negotiations? It will force defendants who are not familiar with the laws to plead to quickly and uninformed.

In all felony cases, the Exam will need to be held, the prosecutor will have copies of the reports, The Defense will not be allowed review those prior to the testimony and may miss crucial issues of a properly conducted cross-examination. How can you lock in an officer who is telling the story in untruthfully and exaggeration of the true events. There will be no prep going into any Felony manner.

What if your client is in custody, as the attorney you will have to make multiple jail visits to gain information when it can all be provided by the prosecutor. the prosecutor will have all this information prior to authorizing charges, so why not give it to us at the same time.

I object to the rule change allowing the government to withhold the discovery until after the case is bound over.

I propose that the information must be attached to the complaint and served upon the client so that when he meets with his lawyer he has the questions we are going to ask

him.

Issa G. Haddad P71699
Haddad Law Firm, PLC
450 W. Fort St, Ste 200
Detroit, MI 48226
313-879-1100 /fax 866-749-0448
Haddadlawfirm@aol.com

Legal Disclaimer: The information contained in this communication may be confidential, is intended only for the use of the recipient named above, and may be legally privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication, or any of its contents, is strictly prohibited.